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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,000	04/19/2001	Akira Sakaguchi	JP920000038US1	8873
7590	01/15/2004			
Thomas A. Beck 26 Rockledge Lane New Milford, CT 06776			EXAMINER ROSWELL, MICHAEL	
			ART UNIT 2173	PAPER NUMBER 8
DATE MAILED: 01/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/838,000

Applicant(s)

SAKAGUCHI ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to the amendment filed on December 15, 2003.
2. Examiner notes that applicant has indicated the incorrect Examiner and Group Art Unit on page 1 of the amendment. Appropriate information is found in the conclusion section of this action.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Amended claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Gennaro et al (U.S. Patent 5,742,768).
5. In regards to claim 1, Gennaro et al disclose an interface control system which has a graphical user interface and accepts as the entry of commands or data, the manipulation by a user to an input screen of a display device (Column 1, Lines 21-37), an application system comprising a flow controller for controlling an HTML file display controller (Column 3, Lines 45-51), displaying the HTML file via a web browser (Column 3, Lines 51-54), an object controller that displays object windows used for input (Column 4, Lines 21-24), an application class operated using Java software (Column 1, Lines 45-49), the combination of a displayed HTML file and the object windows to form an input screen (Column 4, Lines 16-20), an input device to enter data in the object window

(Column 4, Line 22), a setting unit (Column 6, Lines 34-59), and a web browser activation unit (Column 2, Lines 32-35).

6. In regards to claim 2, Gennaro et al have been shown *supra* to teach an interface control system which has a graphical user interface and accepts as the entry of commands or data, the manipulation by a user to an input screen of a display device. The HTML file and object window form a page (Column 1, Lines 17-20) and the application system manages an object using a unit page, and follows a user request to display another page, displaying objects in accordance with a unit page and instructing the browser to change a displayed image (Column 2, Lines 4-16).

7. In regards to claim 9, Fuller discloses a data processing system that “generally comprises a display surface on the terminal [of a computer], software for displaying, on the terminal display surface, first and second sets of menu selection buttons. The software is responsive to a user’s selection buttons. The software is responsive to a user’s selection of a button in the first set of buttons for displaying indicia on each of the buttons in the second set of buttons” (Columns 1 and 2, Lines 64-68, 1-2). Applicant has disclosed that “the ‘browser’ described in the claims of this specification can be any application used for managing display information, such as image information, for each page” (Page 14). Thus, Fuller’s disclosed “software for displaying...first and second sets of menu selection buttons” is similar to Applicant’s claimed browser. Fuller further discloses that, “the present invention provides a menu manager comprising a display device, a cursor control device and a programmed apparatus for controlling the display device. The programmed apparatus includes software which is responsive to the

Art Unit: 2173

control device for displaying on the display device, first, second, and third sets of buttons" (Column 2, Lines 49-55). In stating "with each selection of a button from page zone 30, function buttons **52-82** are automatically redefined to give the user a number of selectable options" (Column 5, Lines 39-42). For example, "if page button **32** is selected, the text on function button **52** may read 'RED'" (Column 5, Lines 24-25) Fuller further discloses the detection of an event, in this case a button selection, and the predetermined process that is performed in accordance with the event.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-8, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller and Smith et al (U.S. Patent No. 5,119,475).

10. In regards to claims 3 and 4, Fuller discloses an input device similar to Applicant's claim 3, including an event processor for detecting the occurrence of an event and for performing a process corresponding to the same event (¶ 5).

Art Unit: 2173

11. Fuller, however, fails to teach the inclusion of an object definition file for function definition, wherein the object location is specified, and an object window for depiction of the object on the display device.

12. Smith does teach the use of both an object definition file and an object window in a similar invention in Figures 9 and 10, where both the object definition file and object window are depicted. Smith also discloses, "the specific window in which the menu is displayed is indicated" (Column 9, Lines 26-27) and "the entry '(245,297)' identifies the position of the upper left corner of the window" (Column 9, Lines 28-29).

13. Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Fuller and Smith to obtain an input device similar to Applicant's claim 1 that includes an object definition file, event processor, and defines the location of the object in the definition file.

14. Motivation to do so is given by Smith, who states that, "a taxonomy of objects has been developed in an object-oriented programming environment that allows a programmer to develop custom menus for a user interface. This permits a large variety in the available menu characteristics so that a menu can be optimized for its task" (Column 4, Lines 48-51, 53-55).

15. In regards to claims 5-8, Fuller discloses a system for preparing a graphical user interface similar to Applicant's claim 5, wherein the system accepts user manipulation of objects on a display device and includes an event processor for detecting the occurrence of such an event (¶ 5). Fuller also discloses a page switching process for

page deletion and display as well as an interface preparation system comprising a browser and overall control means for page switching when stating, "once the user selects page button **40**, the labels set out on function buttons **52-82** no longer indicate the function they did when page **4** was selected, but rather they now indicate the newly assigned functions which are associated with the selection of page button **40**" (Column 7, Lines 8-14).

16. Fuller does not teach the inclusion of an object definition file for function definition, wherein the object location is specified, and an object window for depiction of the object on the display device. Fuller also fails to disclose a specific format for such an object definition file.

17. Smith, however, teaches an object oriented menu framework that discloses an object definition file specifying the object location, and an object window for depiction of the object on the display device (¶ 10). Smith also teaches a format for an object definition file that specifies page location, object type, and object location on the page, as can be seen in Figure 10, where location and object type are specified.

18. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Fuller and Smith to obtain a system for preparing a graphical user interface including an object definition file that specifies location and type, a page switching process, a browser, and overall control means for the page switching process.

19. Motivation for such a combination is given by Smith, who states that, "a taxonomy of objects has been developed in an object-oriented programming

environment that allows a programmer to develop custom menus for a user interface.

This permits a large variety in the available menu characteristics so that a menu can be optimized for its task" (Column 4, Lines 48-51, 53-55).

20. In regards to claim 10, it is well known in the art that similar methods for the preparation of a graphical user interface are stored on computer-readable storage means. The Examiner takes official notice of this teaching. Such a medium can be found in Smith's Figure 28. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, having the teachings of Fuller and Smith, to store the processes of claim 10 (§ 8-12) in a storage medium for computer instruction.

21. In regards to claim 11, Fuller and Smith have been shown to disclose a storage medium similar to claim 10 (§ 18).

22. Fuller alone does not disclose a process for displaying a predetermined image on an input screen by combining an object with such an image.

23. Smith discloses the objects necessary to form the object/image combination of Applicant's claim 11. "Specific objects from each dimension are combined to construct a menu having the desired selections of menu behaviors" (Column 3, Lines 22-24).

24. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Fuller and Smith to obtain a storage medium similar to claim 10, where a browser displays an object/image combination.

25. Motivation for such a combination is given by Smith, who states, "it is desirable to provide a menu package that permits the construction of a broad variety of different menu types to meet different needs" (Column 3, Lines 5-7). Further motivation is given by Fuller, who states, "with each selection of a button from page zone **30**, function buttons **52-82** are automatically redefined to give the user a number of selectable options", wherein redefinition includes a change in the indicia of the buttons.

26. In regards to claims 12 and 13, a program transmission apparatus that includes memory, a disk drive, and a display unit can be seen in Smith's Figure 28. The processes of claims 12 and 13 are discussed above (¶¶ 18-23).

Response to Arguments

Applicant's arguments filed December 15, 2003 have been fully considered but they are not persuasive.

Applicant's arguments that "the reference discloses certain elements found in Applicants' claims but not all elements are disclosed" (page 2, ¶ 3) do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response to applicant's argument that the references fail to show certain features of applicant's invention (page 2, ¶¶ 4-5 and page 3, ¶ 1), it is noted that the

Art Unit: 2173

features upon which applicant relies (i.e., “severing the dependability of a display system and an operation system”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references (page 3, ¶3-7 and pp. 4-6), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation for such a combination of teachings is given by Smith, who states, “a taxonomy of objects has been developed in an object-oriented programming environment that allows a programmer to develop custom menus for a user interface. This permits a large variety in the available menu characteristics so that a menu can be optimized for its task” (Column 4, Lines 48-51, 53-55). Furthermore, Smith acknowledges, “interactive graphics have been used in computer interfaces for some time. Interactive graphics was integrated into the Lisp environment in Interlisp...in 1966” (Column 2, Lines 53-55 and 58-62). It is well known in the art that the type of interactive menus disclosed by Fuller and Smith may constitute portions, if not the entirety, of a graphical user interface. Fuller further bolsters this argument in stating,

“the system generally comprises a display surface on the terminal, software for displaying, on the terminal display surface, first and second sets of menu selection buttons. The software is responsive to a user’s selection of a button in the first set of buttons for displaying indicia on each of the buttons in the second set of buttons” (Columns 1-2, Lines 64-68, 1-2), which, in the interaction between user and graphical objects on a display, illustrates the definition of a graphical user interface.

In response to applicant’s argument that the examiner’s conclusion of obviousness is unlikely to be made by one skilled in the art (page 4, ¶ 2), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant’s disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2173

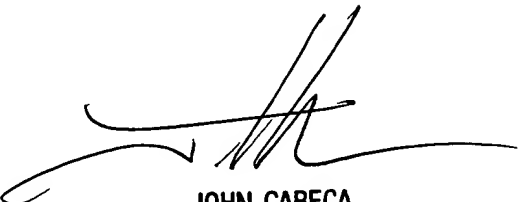
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Michael Roswell
GAU 2173
1/7/2004

A handwritten signature in black ink, appearing to read 'John Cabeca', with a stylized, sweeping flourish extending to the left.

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100